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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,032	02/07/2002	Allen R. Stein	2A08.1-011	1943

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 11/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,032

Applicant(s)

STEIN, ALLEN R.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because numeral 16 in Figure 1 and numeral 16' in Figure 2 should be drawn with a line to depict the element they are referencing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

(a) 14, e.g., page 6, line 22, and

(b) 14', e.g., page 8, line 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

(a) numerals 18', 20', and 22', as in Figure 2, and

(b) numerals 18" and 22", as in Figure 3A. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 10, 11, **19**, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ The recitation "at least one aspect" in claim 2 is vague and/or indefinite. *Further*, it is unclear whether the limitations of claims 3-5 are the "aspects". It is noted that an "aspect" of an elements could be anything correlated to that element, e.g., color, texture, size, etc., and accordingly the scope of the claim cannot be properly ascertained.

✓ Claim 10 is rendered indefinite since it is unclear whether the panels set forth in claim 10 are in addition to the first and second panels set forth in claim 1 and therefore the scope of the claim is unclear, i.e., it is unclear whether 3 or 5 panels are being claimed. Therefore, the limitation "each of the display panels" in line 2 lacks proper antecedent basis. Similarly, it is unclear whether the panels set forth in claim 11 include the panels of claim 1. *Further*, the panels in claim 10 have not been properly set forth as overlying each other.

✓ Claim 19 is rendered unclear since the limitation in lines 4-5 has not been properly set forth as a claimed step of the method. Accordingly, it is suggested that this limitation be re-written to positively claim that the second panel overlies the first panel, etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-11, 12-15, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams '520.

Adams '520 discloses a device comprising a rack (A), a first display panel (D - lowest D in Figure 2) pivotally mounted to the rack, a second panel (D - the second D from the bottom in Figure 2) pivotally mounted to the rack and overlying the first panel, a third panel overlying the second panel, etc., whereby at least a portion of the first panel (generally at B in Figure 1) extends beyond an edge of the second display panel; the second panel having a dimension that is smaller than the corresponding dimension of the first panel, i.e., see Figure 2, the length of D from the right side to the left side of the Figure is shorter for the second panel, thereby making the first panel wider than the second panel; the second panel having an opening; and the rack comprising at least one fixed display surface (D') and having two arrays, i.e., on either side of C.

Claims 1-3, 5, 8-11, 12-14, 18, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Breeding '549.

Breeding '549 discloses a device comprising a rack (d), a first display panel (100) pivotally mounted to the rack, a second panel (1) pivotally mounted to the rack and overlying the first panel (when viewed from the rear), a third panel (2) overlying the second panel, etc., whereby at least a portion of the first panel (generally at B in Figure 1) extends beyond an edge

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of the second display panel; the second panel having a dimension that is smaller than the corresponding dimension of the first panel, i.e., the portion where the number 100 is located is wider than the portion where the number 1 is located thereby making the shape of the second panel different than that of the first panel; and the rack comprising at least one fixed display surface (b^3) and having two arrays, i.e., on either side of b^3 .

Claims 1-3, 6-8, 10, 12-16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori '641.

Mori '641 discloses a device comprising a rack (13), a first display panel (11) pivotally mounted to the rack, a second panel (16) pivotally mounted to the rack and overlying the first panel, a third panel overlying the second panel, etc., whereby at least a portion of the first panel (between the edges of 16 and the sides of 11) extends beyond an edge of the second display panel; the second panel having a dimension that is smaller than the corresponding dimension of the first panel thereby making the first display panel wider and taller than the second display panel.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 6-8, 12-17, 19 and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Murphy '106.

Murphy '106 discloses a device comprising a rack (at 22), a first display panel (12) pivotally mounted to the rack, and a second panel (30a) pivotally mounted to the rack and

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overlying the first panel whereby at least a portion of the first panel extends beyond an edge of the second display panel; the second panel having a dimension that is smaller than the corresponding dimension of the first panel thereby making the first display panel wider and taller than the second display panel; and the second panel has an opening through which at least a portion of the first panel is visible.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hillman, Smead, Amberg, and Feldman, Jr. show various devices having a second panel overlying a first panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-3597 for regular communications and (703)-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Jennifer E. Novosad/jen
November 7, 2002

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600